



THORPE ST ANDREW TOWN COUNCIL

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FLEXIBLE WORKING AND TIME OFF IN LIEU (TOIL) POLICY

Adopted by the Town Council on: 09 September 2024

FLEXIBLE WORKING

Introduction

Thorpe St Andrew Town Council supports the principle that employees should enjoy a work-life balance, which recognises the needs of the service whilst at the same time allowing for a degree of flexibility to accommodate other commitments.

It is a fundamental requirement of any flexible working scheme that the efficiency of the Council and levels of service provided are maintained. Employees are expected to co-operate with the need to ensure minimum staffing levels are maintained during the normal working day (including but not limited to the lunch period) to facilitate contact with the public and other customers.

Once a request is made, the employer has a duty to give the request serious consideration, but the employee does not have a unilateral right to alter their working pattern.

The Right To Request Flexible Working

Under the Employment Relations (Flexible Working) Act 2023 (Commencement) Regulations 2024, all employees have the right to request flexible working from day one.

Changes which relate to hours, times and place of work can be requested. Employers can refuse only where one of the following business reasons apply:

- the burden of additional costs
- detrimental effect on ability to meet customer demand
- inability to reorganise work among existing staff
- inability to recruit additional staff
- detrimental impact on quality
- detrimental impact on performance
- insufficiency of work during the periods the employee proposes to work
- planned structural changes

Employees may only make two requests each year. It is not possible to make a second application until the process to consider the first application has been concluded.

Unless otherwise agreed, any changes agreed with be permanent.

Making an application

All applications must be made in writing and be submitted to the employee's Line Manager. It should:

- state that it is a flexible working request
- explain the change being requested
- state the proposed start date when it should take effect
- state whether any previous flexible working requests have been made

Responsibility

The CEO is responsible for administering any requests for flexible working, in consultation with the appropriate Line Manager. The Line Manager will be responsible for administering and managing the efficient operation of the service in conjunction with their team.

Meeting to discuss the application

A request for flexible working may be granted without the need to have a meeting. If this is the case, a decision letter confirming the agreed changes, and the commencement date will be issued. The employee should sign and date a copy to confirm.

If a request cannot be immediately accepted, the Town Council can ask that a trial period is undertaken to determine whether the request can be accommodated before reaching a final decision.

A meeting may be required to discuss an application in more detail. The meeting should take place at a convenient time and place for the employee. The employee must give a reasonable explanation if they can't attend the meeting, otherwise the application will be treated as withdrawn.

Bringing someone to the meeting

An employee has the right to be accompanied at the meeting. Employees can bring a work colleague or trade union representative, or may be able to bring somebody else (e.g. a family member) if that helps them overcome a disability, or if they have difficulty understanding English. The employee must advise who their chosen companion is in good time prior to the meeting.

The companion may make representations and ask questions on the employee's behalf but cannot answer questions on their behalf. The employee may talk privately to their companion at any time during the meeting.

If the colleague or representative can't make the meeting, it should be rearranged to take place within 7 days of the original date. If the preferred companion is not available, the employee may be asked to choose someone else.

Withdrawing an application

If an employee decides to withdraw an application they should notify their Line Manager in writing as soon as possible. The application will be treated as withdrawn if the employee misses 2 meetings without good reason.

If the employee doesn't provide any extra information needed to make a decision, the application might be treated as withdrawn.

If the application is withdrawn, the employee cannot make another request for 12 months.

Decision and Appeal

The CEO must make a decision on the request within two months of the date of the application. The decision should be confirmed in writing to the employee, and if a refusal, must outline the reason/s why.

The employee can appeal against any decision, and should do so in writing to the Chair of the Finance & Staffing Committee.

Health & Safety

The Flexible Working Scheme will take account of The Working Time Regulations 1998, which sets out a maximum weekly working time of 48 hours including overtime, and rest breaks where the working day is longer than 6 hours.

In respect of employees aged 16 to 18, the regulations stipulate that there must be a minimum rest break of 30 minutes where the working day is longer than 4½ hours.

The legislation enables employers to be flexible in the organisation of working time, recognising that adjustments need to be made to reflect service needs. However, consideration will still need to be given to the general duty of care they owe to employees in addition to these regulations.

Managers/supervisors must also take account of health and safety factors when considering working arrangements that would involve an employee working alone at the beginning or end of a shift.

TIME OFF IN LIEU

Introduction

The Council recognises that it may be necessary for employees to undertake work outside of their normal working hours. Any agreement by employees to work additional hours is either contractual or on a voluntary basis.

The purpose of this policy is to ensure that managers and employees are aware of and understand the Council's time off in lieu (TOIL) arrangements so that they are applied consistently.

Scope:

This policy applies to all employees of the Council with the exception of casuals who work on an ad-hoc basis.

Definition:

TOIL is defined as "Time Off In Lieu", or time taken off work by employees in recompense for additional hours worked outside of their normal working hours.

TOIL Rates:

TOIL will be accrued at the following rates for time worked in addition to normal working hours:

- Monday to Friday – Time
- Saturday and Sunday – Time and a Half

Accruing TOIL:

TOIL accrued will be included on the monthly timesheet for each employee, as will TOIL taken. Each timesheet is authorised by the employee's Line Manager. Line Managers must agree any TOIL in advance.

The Council realises that it is unlikely that the CEO will be able to seek approval in advance for TOIL accrued, and therefore places trust in the CEO to ensure that where additional hours are worked and TOIL accrued it is done so in a way that meets the business needs of the Town Council as well as the work life balance of the CEO.

The CEO monthly timesheet should show all TOIL accrued/taken and be authorised by the Town Mayor.

When attending Town Council events or events where the employee is invited as an employee, it will be down to the employee's Line Manager or the CEO to assess whether TOIL shall be accrued, i.e. work must be undertaken rather than simple attendance.

Excessive levels of TOIL should not be accumulated (no more than 15 hours from one month to the next). However, in exceptional circumstances the CEO has the discretion to agree to more.

Any suspected abuse of TOIL may be treated as a disciplinary matter.

Using TOIL:

TOIL should be taken as soon as possible after accrual.

TOIL can only be taken if agreed, in advance, with the employee's Line Manager. Any requests will be considered in line with staffing levels and operational requirements. The CEO will be responsible for allocating the use of their own TOIL at times when it is deemed suitable.

In exceptional circumstances where due to service delivery needs TOIL cannot be accommodated the employee can request payment for the hours. This request should be made in writing to their Line Manager to be authorised by the Finance & Staffing Committee.

Working Time Regulations:

The Council has a duty to protect the health and safety of its employees by ensuring that they do not work excessive hours and that, where necessary for them to work additional hours, they are appropriately recompensed.

When agreeing the accrual of TOIL, the Line Manager must ensure that the employee's working hours adhere to the requirements of the Working Time Regulations.

Taking Time Off:

Where time off is required for medical or dental appointments it will be by agreement with immediate Line Managers. Where appointments cannot be made outside of normal working hours, employees must produce proof of the appointment to their Line Manager prior to attending the appointment if requested.

Where possible, appointments should be outside normal working hours.

In an emergency or when an appointment cannot be made outside of normal working hours, 'flexi time' must be taken, and any time lost must be made up so that the employee's normal weekly hours conform to their contractual commitment.